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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/962,040	10/31/97	CARNEY	

JAMES W HELLWEGE
JONES TULLAR & COOPER
PO BOX 2266 EADS STATION
ARLINGTON VA 22202

HM22/0120

EXAMINER
JONES, D

ART UNIT	PAPER NUMBER
1614	

DATE MAILED: 01/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/962,040

Applicant(s)

Carney et al.

Examiner

Dwayne C. Jones

Group Art Unit

1614



☒ Responsive to communication(s) filed on 28 Oct 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 17-51 is/are pending in the application.

Of the above, claim(s) 17-27 is/are withdrawn from consideration.

☒ Claim(s) 28-48, 50, and 51 is/are allowed.

☒ Claim(s) 49 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 17-27 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Status of Claims

1. Claims 17-51 are pending.
2. Claims 28-51 are elected.
3. Claims 28-48, 50 and 51 are free of the prior art of record.
4. Claim 49 is rejected.
5. Claims 17-27 are non-elected and withdrawn from consideration.

Election/Restriction

6. This application contains claims 17-27 drawn to an invention nonelected without traverse in Paper No. 13. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Response to Arguments

7. Applicant's arguments with respect to claim 49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 49 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 49 recites the limitation "PBN" and PBNs" in lines 3 and 4 of this claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

11. The rejections of claims 28-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. of GB 1,109,473; Dorschner et al. of U.S. Patent No. 3,834,073, and Schlesinger of U.S. Patent No. 3,775,122 are removed in response to the arguments filed on October 28, 1999.

Obviousness-type Double Patenting

12. The rejection of claims 28-51 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14-18 of U.S. Patent No. 5,025,032 is hereby withdrawn in view of Applicant's response filed on October 28, 1999.

Allowable Subject Matter

13. Claims 28-48, 50 and 51 are free of the prior art of record.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. C. Jones whose telephone number is (703) 308-4634. The examiner can normally be reached on Mondays through Fridays from 8:30 am to 6:00 pm. The examiner can also be reached on alternate Mondays.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Tech. Ctr. 1614
January 18, 2000


DWAYNE C. JONES
PRIMARY EXAMINER, 1614